

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case No. *2011-588*

13 **ADRIANE BRIDGMAN**
6091 Howell Drive
14 La Mesa, CA 91942-3827

STATEMENT OF ISSUES

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16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
21 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about July 22, 2010, the Board of Registered Nursing, Department of
24 Consumer Affairs received an application for a Registered Nurse License from Adriane Bridgman
25 (Respondent). On or about April 21, 2010, Adriane Bridgman certified under penalty of perjury
26 to the truthfulness of all statements, answers, and representations in the application. The Board
27 denied the application on October 4, 2010.

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JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2736 of the Code provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

STATUTORY PROVISIONS

5. Section 475 of the Code states:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

6. Section 480 of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

1 (3) (A) Done any act that if done by a licentiate of the business or profession
2 in question, would be grounds for suspension or revocation of license.

3 (B) The board may deny a license pursuant to this subdivision only if the
4 crime or act is substantially related to the qualifications, functions, or duties of the
5 business or profession for which application is made.

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7 7. Section 482 of the Code states:

8 Each board under the provisions of this code shall develop criteria to evaluate
9 the rehabilitation of a person when:

10 (a) Considering the denial of a license by the board under Section 480; or

11 (b) Considering suspension or revocation of a license under Section 490.

12 Each board shall take into account all competent evidence of rehabilitation
13 furnished by the applicant or licensee.

14 8. Section 2761 of the Code states:

15 The board may take disciplinary action against a certified or licensed nurse or
16 deny an application for a certificate or license for any of the following:

17 (a) Unprofessional conduct, which includes, but is not limited to, the
18 following:

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20 (f) Conviction of a felony or of any offense substantially related to the
21 qualifications, functions, and duties of a registered nurse, in which event the record of
22 the conviction shall be conclusive evidence thereof.

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24 9. Section 2762 of the Code states:

25 In addition to other acts constituting unprofessional conduct within the meaning
26 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
27 licensed under this chapter to do any of the following:

28

(b) Use any controlled substance as defined in Division 10 (commencing with
Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
dangerous or injurious to himself or herself, any other person, or the public or to the
extent that such use impairs his or her ability to conduct with safety to the public the
practice authorized by his or her license.

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1 (c) Be convicted of a criminal offense involving the prescription, consumption,
2 or self-administration of any of the substances described in subdivisions (a) and (b) of
3 this section, or the possession of, or falsification of a record pertaining to, the
4 substances described in subdivision (a) of this section, in which event the record of
5 the conviction is conclusive evidence thereof.

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7 REGULATORY PROVISIONS

8 10. California Code of Regulations, title 16, section 1444 states:

9 A conviction or act shall be considered to be substantially related to the
10 qualifications, functions or duties of a registered nurse if to a substantial degree it
11 evidences the present or potential unfitness of a registered nurse to practice in a
12 manner consistent with the public health, safety, or welfare. Such convictions or acts
13 shall include but not be limited to the following:

14 (a) Assaultive or abusive conduct including, but not limited to, those violations
15 listed in subdivision (d) of Penal Code Section 11160.

16 (b) Failure to comply with any mandatory reporting requirements.

17 (c) Theft, dishonesty, fraud, or deceit.

18 (d) Any conviction or act subject to an order of registration pursuant to Section
19 290 of the Penal Code.

20 11. California Code of Regulations, title 16, section 1445 states:

21 (a) When considering the denial of a license under Section 480 of the code,
22 the board, in evaluating the rehabilitation of the applicant and his/her present
23 eligibility for a license will consider the following criteria:

24 (1) The nature and severity of the act(s) or crime(s) under consideration as
25 grounds for denial.

26 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s)
27 under consideration as grounds for denial which also could be considered as grounds
28 for denial under Section 480 of the code.

(3) The time that has elapsed since commission of the act(s) or crime(s)
referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole,
probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(July 10, 2007 Criminal Conviction for DUI on March 10, 2007)**

3 12. Respondent's application is subject to denial under sections 480, subdivision (a)(1)
4 and 2761, subdivision (f) of the Code in that she was convicted of a crime that is substantially
5 related to the qualifications, duties, and functions of a registered nurse. The circumstances are as
6 follows:

7 a. On or about July 10, 2007, in a criminal proceeding entitled *People of the*
8 *State of Georgia v. Adriane Garland Bridgman*, in the City of Atlanta Municipal Court case
9 number 07TR188565, Respondent was convicted on her plea of guilty to violating O.C.G.A.
10 section 40-6-391, subdivision (A)(5), operating a motor vehicle with a blood alcohol
11 concentration (BAC) of .08 percent or more, a misdemeanor.

12 b. As a result of the conviction, on or about July 10, 2007, Respondent was
13 sentenced to probation, completion of a MADD seminar, completion of community service,
14 ordered to comply with standard alcohol conditions, and payment of fines and fees.

15 c. The facts that led to the conviction were that on or about the early morning of
16 March 10, 2007, a Georgia State trooper on patrol observed Respondent strike and drive over a
17 sidewalk while making a right turn. The trooper conducted a traffic stop and while at
18 Respondent's driver's window, detected a strong odor of an alcoholic beverage on her breath.
19 Respondent's eyes were bloodshot and watery, and her speech was slurred. Respondent admitted
20 to consuming alcohol and the trooper got her consent to perform a series of field sobriety tests.
21 Respondent was unable to perform the tests as instructed and demonstrated. Respondent was
22 arrested for driving under the influence and transported to Atlanta Pre-Trial where she submitted
23 to an Intoxilyzer breath test. Respondent gave two samples with a BAC of .214 and .216.

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1 **SECOND CAUSE FOR DENIAL OF APPLICATION**

2 **(Unprofessional Conduct - Dangerous Use of Alcohol)**

3 13. Respondent's application is subject to denial under sections 480, subdivision
4 (a)(3)(A), and 2762, subdivision (b) of the Code in that on or about March 10, 2007, Respondent
5 used alcoholic beverages to an extent or in a manner dangerous or injurious to herself and the
6 public when she operated a motor vehicle with a BAC of .216 percent, as detailed in paragraph
7 12, above.

8 **THIRD CAUSE FOR DENIAL OF APPLICATION**

9 **(Unprofessional Conduct - Conviction of an Alcohol-Related Offense)**

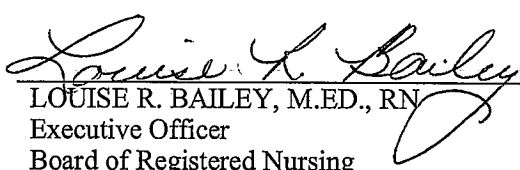
10 14. Respondent's application is subject to denial under sections 480, subdivision
11 (a)(3)(A), and 2762, subdivision (c) of the Code in that on or about July 10, 2007, Respondent
12 was convicted of a criminal offense involving the consumption of alcohol as detailed in paragraph
13 12, above.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Denying the application of Adriane Bridgman for a Registered Nurse License;
18 2. Taking such other and further action as deemed necessary and proper.

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20 DATED: 1-4-11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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